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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

The rule of law at the national and international levels

Letter dated 24 July 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the Republic of Azerbaijan, I have the honour to draw your attention to the following issue of particular importance for my country.

The ongoing armed conflict in and around the Daghlyq Garabagh (Nagorno-Karabakh) region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and has made approximately 1 out of every 9 persons in the country an internally displaced person or a refugee. The Republic of Armenia bears the primary responsibility for unleashing the war against Azerbaijan, occupying its territories, committing the most serious crimes of concern to the international community during the conflict, carrying out ethnic cleansing on a massive scale and establishing the ethnically constructed subordinate separatist entity on the captured Azerbaijani territory.

It has been internationally recognized that Azerbaijani territories are under occupation. In 1993, the Security Council adopted resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), condemning the use of force for the acquisition of territory and reaffirming the sovereignty and territorial integrity of Azerbaijan and the inviolability of its internationally recognized borders. In those resolutions, the Security Council reaffirms that the Daghlyq Garabagh region is part of Azerbaijan and calls for immediate, full and unconditional withdrawal of the

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occupying forces from all occupied territories of Azerbaijan. The General Assembly and other international organizations have adopted a similar position.

The illegality of the separatist entity and its structures, established by Armenia on the occupied territory of Azerbaijan, has been repeatedly stated at the international level in the most unambiguous manner. This entity is entirely unrecognized as such; it is essentially under Armenia's direction and control.

Despite ongoing political efforts towards a negotiated settlement of the conflict on the basis of the generally accepted norms and principles of international law, the policy and practice of Armenia, the occupying Power, implemented, inter alia, through various illegal activities in the occupied territories of Azerbaijan, clearly testify to its intention to secure the annexation of these territories.

Thus, in its attempts to promote the illegal separatist entity at the international level, Armenia, inter alia, spares no effort to encourage third-country nationals, particularly parliamentarians and media representatives, to visit the Daghlyq Garabagh region and other occupied territories of Azerbaijan. In almost all such instances, the Armenian side introduces the visits of foreigners to the occupied territories and their meetings with the agents of the separatist regime as allegedly reflecting the "growing international reputation and recognition" of the separatist entity.

In that regard, whatever the purpose, reason and circumstances, any visits by third-country nationals to the Daghlyq Garabagh region and other occupied territories of Azerbaijan, without the authorization of the Government of Azerbaijan, constitute a violation of the legislation of Azerbaijan, in particular the Law on the State Border of the Republic of Azerbaijan.

It is also essential to reiterate that the subordinate separatist regime has been set up in the occupied territories of Azerbaijan at the cost of incalculable human lives and sufferings. It has been established that acts of military force committed against Azerbaijan amount to war crimes, crimes against humanity and other egregious violations of the norms of general international law, in particular those of a peremptory character (*jus cogens*). Therefore, illegal visits to the Daghlyq Garabagh region and other occupied territories of Azerbaijan may be qualified as being tantamount to engaging in activities aimed at promoting the illegal separatist regime, advocating the culture of impunity for the most serious crimes of concern to the international community committed in the course of the war and consolidating the results of the aggression by Armenia against Azerbaijan.

Taking into consideration the aforementioned, third-country nationals visiting the Daghlyq Garabagh region and other occupied territories of Azerbaijan, without the authorization of the Government of Azerbaijan, are included in the list of those whose entry to Azerbaijan is denied. Such visitors also run a risk of facing appropriate legal proceedings, including in the form of administrative or even criminal prosecution.

Moreover, as is known, a fragile ceasefire in the conflict between Armenia and Azerbaijan was put in place in May 1994. However, the Armenian side regularly and deliberately violates the ceasefire by attacking and killing Azerbaijani military personnel as well as civilians residing in the territories adjacent to the front line. Over the past years, such violations and armed provocations have become more frequent and violent. Therefore, despite a formal ceasefire, the Daghlyq Garabagh

region and other occupied territories of Azerbaijan represent none other than a zone of ongoing hostilities, with active terrorist and related organized criminal activity and heavily mined areas. Therefore, those visiting the Daghlyq Garabagh region and other occupied territories of Azerbaijan expose their personal security to serious risk.

The Republic of Azerbaijan expects that Governments, intergovernmental and non-governmental organizations, as well as media agencies will continue advising their citizens, including Government officials and members of parliament, as well as their personnel or staff members, as appropriate, against visiting the Daghlyq Garabagh region and other occupied territories of Azerbaijan without the prior authorization of the Government of Azerbaijan, as well as take additional measures, as may be required, including through issuing special instructions and guidance to that end. Those third-country nationals intending to visit the Daghlyq Garabagh region and other occupied territories of Azerbaijan should address their requests for authorization to the relevant diplomatic missions of Azerbaijan.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39, 67, 69 and 83, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative